

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

BRIANNA FOSTER and JENNIFER  
SCHULTZ, individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

SMARTYPANTS, INC., d/b/a  
SMARTYPANTS HEALTHY MINDS, INC.

Defendant.

Civil Action No.: 7:21-cv-06430-PMH

**NOTICE OF VOLUNTARY DISMISSAL  
WITH PREJUDICE PURSUANT TO  
FED. R. CIV. P. 41(a)(1)(A)(i)**

Pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, Plaintiffs Brianna Foster and Jennifer Schultz (collectively, “Plaintiffs”), by and through their undersigned counsel of record, hereby dismiss their claims against Defendant SmartyPants, Inc., d/b/a SmartyPants Healthy Minds, Inc. (“SmartyPants” or “Defendant”) with prejudice. Each party shall bear its own costs and attorneys’ fees, and waives any right of appeal.

Dated: October 26, 2021

Respectfully submitted,

**BURSOR & FISHER, P.A.**

By: /s/ Neal J. Deckant  
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